

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.6809 of 2011

Date of Decision: February 21st, 2015

Ravi Kumar

.....Petitioner

versus

Rattan Singh and others

.....Respondents

CORAM: Hon'ble Mr. Justice Dr.Bharat Bhushan Parsoon.

Argued by: Mr.Keshav Partap, Advocate for
Mr.S.K.Chauhan, Advocate for the petitioner.

Mr.C.L.Verma, Advocate for respondents No.1 to 5.

* * *

Dr.Bharat Bhushan Parsoon, J.

1. Order dated 12.09.2011 of the lower Court vide which three applications of the defendants calling upon the plaintiffs to furnish ad-valorem court-fee were accepted, is under challenge in this petition by one of the plaintiffs.

2. There are numerous defendants. Three applications, one by defendants No.1 to 4, second by defendant No.5 and third by defendant No.5A, seeking directions to the plaintiffs to affix the ad-valorem court-fee had been decided vide the impugned order in favour of the defendants and against the plaintiffs.

3. Admittedly for purposes of determining liability to pay courts fee, averments in the plaint are to be looked into.

4. Counsel for the petitioner has urged that the lower Court went into details of the pleadings of the defendants and averments in the plaint

were overlooked. Counsel for the contesting respondent has referred to copy of plaint (Annexure P-1), wherein the plaintiffs have sought setting aside the sale deed in para 9-A of the plaint where relief of possession has also been sought.

5. Claiming the sale deed dated 08.01.2008 to be null and void it had been sought to be set aside along with the mutation sanctioned pursuant thereto and relief of possession has also been claimed, notwithstanding the fact of plaintiffs not being parties to such impugned sale deed, they are liable to pay ad-valorem court-fee on the sale consideration of the sale deed dated 08.01.2008 regarding 2 Kanals of land, sale deed dated 17.10.1997 regarding 16 marlas of land and sale deed dated 23.05.1994 regarding 17 Kanals 5 marlas of land; mutations of which had also been sought to be set aside.

6. Counsel for the petitioner has not been able to point out any factual and legal error in the well written order not only on facts but also on law point.

7. Keeping in view the facts and circumstances discussed above, affirming the impugned order dated 12.09.2011 (Annexure P-8) of the lower Court, this revision petition, being devoid of any merit, is dismissed.

Parties to appear before the lower Court on 27.03.2015.

(Dr.Bharat Bhushan Parsoon)
JUDGE

February 21st, 2015
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